

ORDINANCE NO. 12-69

ORDINANCE GRANTING A
CONDITIONAL USE PERMIT (CUP) TO
ALLOW AN AUTOMOTIVE
TECHNICIAN SCHOOL PURSUANT TO
HIALEAH CODE §98-181(2) i. AND
GRANTING A VARIANCE PERMIT TO
ALLOW 91 PARKING SPACES, WHERE
205 ARE REQUIRED, AND TO ALLOW
EXTENDED PARKING HOURS ON
WEEKDAYS UNTIL 10:30 P.M. CONTRA
TO HIALEAH CODE §§ 98-2189(9) AND
98-2205(c)(5) ON PROPERTY ZONED M-
1 (INDUSTRIAL DISTRICT).
**PROPERTY LOCATED AT 7875 WEST
20 AVENUE AND APPROXIMATELY
32,234 SQUARE FEET OF VACANT
LAND ABUTTING AND ADJACENT
THERETO EAST OF WEST 20
AVENUE BETWEEN WEST 76
STREET AND WEST 79 STREET,
HIALEAH, FLORIDA.** REPEALING
ALL ORDINANCES OR PARTS OF
ORDINANCES IN CONFLICT
HEREWITH; PROVIDING PENALTIES
FOR VIOLATION HEREOF; PROVIDING
FOR A SEVERABILITY CLAUSE; AND
PROVIDING FOR AN EFFECTIVE
DATE.

WHEREAS, the Planning and Zoning Board at its meeting of September 12, 2012, recommended approval of this ordinance in substantial form; and

WHEREAS, the Petitioner proffered a declaration of restrictive covenants, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a conditional use permit (CUP) to allow an automotive technician school pursuant to Hialeah Code §98-181(2) i. and a variance permit to allow 91 parking spaces, where 205 are required, and to allow extended parking hours on weekdays until 10:30 p.m., contra to Hialeah Code

§§98-2189(9) and 98-2205(c)(5), which provide in pertinent part: “*Elementary, middle and high schools, post-secondary schools, colleges, vocational or trade schools.* One parking space for each 200 square feet of gross floor area of the floor with the greatest area and one parking space for each 400 square feet of all other floors.” and “The hours of operation shall be limited to 6:00 a.m. to 7:00 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays...”, respectively. The property is located at 7700 West 20 Avenue, Hialeah, Miami-Dade County, Florida, zoned M-1(Industrial District) and legally described as follows:

THE NORTH 200 FEET OF THE SOUTH 240 FEET OF TRACT 18, LESS THE WEST 140 FEET, IN THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 52 SOUTH, RANGE 40 EAST, OF CHAMBERS LAND COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 68 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (SEE EXHIBIT A)

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Additional Penalties upon Violation of Conditions of Use.

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants, if submitted, will cause a revocation of the city occupational license if issued in connection herewith and the property shall revert to the zoning classification without the benefit of the conditional use and associated variances.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

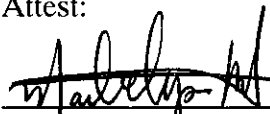
PASSED and ADOPTED this 09 day of October, 2012.

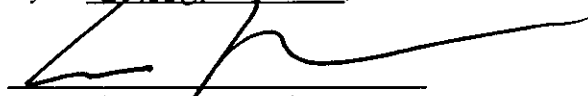
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia Martinez
Council President

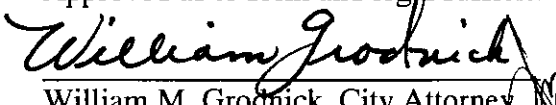
Attest:

Approved on this 10 day of October, 2012.


Marbelys Rubio, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

Ordinance was adopted by a unanimous vote with Council Members, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".



CFN 2012R0779442
DR Bl: 28336 Pgs 3483 - 3485; (3pgs)
RECORDED 10/31/2012 13:36:00
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Prepared by and return to:
City of Hialeah
Planning Division
501 Palm Avenue, Second Floor
Hialeah, FL 33010

**DECLARATION OF RESTRICTIVE COVENANTS
(Corporate)**

I, Fanny Marino, as President with full authority to legally bind American Advanced Technicians Institute, Corp., a Florida domestic corporation (hereinafter "AATI")

being the owner of lands described in "**Exhibit A**" attached hereto,

make the following Declaration of Restrictive Covenants covering and running with the above property, specifying that this restriction during its lifetime shall be for the benefit of and a limitation upon all present and future owners of the real property described above, in favor of and enforceable by the City of Hialeah, Florida.

In connection with the operation of an automotive technician school, the undersigned covenants, represents and agrees as follows:

1. Prior to any use of the area designated as parking, it must be improved with permits for such use. The parking lot shall be for the exclusive use of students, teachers and staff members only. In order to ensure restricted access and use of the parking lot, the school shall implement a vehicle registration and identification system by providing decals or keyless entry passes to authorized users. The school shall adopt a student code of conduct which shall prohibit any disruptive conduct in the parking lot. In addition, the school shall employ a security guard to be present at all hours during the day in which the school is in operation. The security guard shall be tasked with ensuring only authorized access to the parking lot, monitoring the free flow of traffic in the parking lot, and addressing any source of disturbance in the parking lot resulting from the school's operation at the site.
2. There shall be no on-street parking allowed. Only available parking spaces at 6801 West 20 Avenue can be used as overflow parking for staff, student or visitors as long that property continues to be owned by the school. Any overflow parking must not create any parking or traffic congestion. Staff, student or visitors utilizing overflow parking must be shuttled to and from the school. The shuttle must have a designated parking space in the front of the buildings to drop off or pick up students, staff, or visitors such that there is no interruption to the flow of traffic while the shuttle is in operation.
3. On weekdays, the parking lot shall be closed at 10:30 p.m. for any new entrant without exception. All cars in the parking lot at 10:30 p.m. must leave within 15 minutes. The school shall adhere to the standard hours of operation allowed for the parking lot on Saturdays and Sundays.
4. This covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment, and title to the above-described property and shall constitute a covenant running with the land and may be recorded in the Public Records of Miami-Dade County, Florida. This covenant shall remain in full force and effect and shall be binding upon the undersigned, its (their) heirs, successors and assigns until such time as the same is modified, amended or released

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DECLARATION OF RESTRICTIVE COVENANTS

• (Corporate)

and may only be modified, amended or released by a written instrument executed by the then owner having fee simple title to the property affected or to be affected by such modification, amendment, or release; provided, however, the same is also approved by the City Council and the Mayor of the City of Hialeah, or its successors, by resolution, upon advertised notice, or by ordinance if the covenant is adopted by ordinance or as otherwise provided in Hialeah Charter.

5. Where construction has occurred on said property described herein, pursuant to a permit issued by the City of Hialeah, and inspection made and approval of occupancy given by the City, the same shall create a conclusive presumption that the improvements thus constructed comply with the intent and spirit of the restrictions referenced herein and this Declaration of Restrictive Covenants shall not be construed as clouding title of any of said property on which such development has occurred.

IN WITNESS WHEREOF, We have hereunto set our hands and seals at Miami-Dade County, Florida, this 18th day of October, 2012.

Corp. Secretary (Attest):



American Advanced Technicians
Institute, Corp., a Florida corporation

FANNY MARINO
Typed/Printed Name

By: Fanny J. Marino
Fanny Marino, President

(Corporate Seal)


Signed, sealed and delivered in the presence of:

Marion Summerville
Witness
Typed/Printed Name: Marion Summerville

Alejandro Diaz
Witness
Typed/Printed Name: Alejandro Diaz

The foregoing instrument was acknowledged before me on this 18th day of ~~September~~ OCTOBER, 2012, by Fanny Marino, as President, and HECTOR MARINO, as Secretary, of American Advanced Technicians Institute, Corp., a Florida corporation. They are personally known to me or have produced the following PERSONALLY KNOWN as identification and did (did not) take an oath and attest to the truth and accuracy of the representations contained herein.

This document was prepared by the City of Hialeah, Florida.


Notary Public

Typed/Printed Name: ODALYS DIPP

Commission No.:

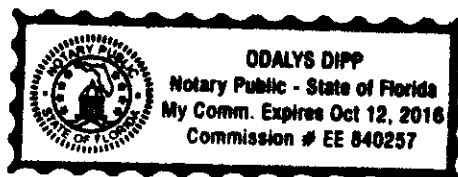


EXHIBIT A

500-FT RADIUS MAP OF:

LEGAL DESCRIPTION:
The North 200 feet of the South 240 feet of Tract 18, less the West 140 feet, in the Northwest 1/4 of Section 26, Township 52 South, Range 40 East, of "CHAMBERS LAND COMPANY SUBDIVISION", according to the Plat thereof, as recorded in Plat Book 2, at Page 68 of the Public Records of Miami-Dade County, Florida.

LOCATION: 7875 W. 20th Avenue, Hialeah FL 33016

FOLIO NO.: 04-2026-001-0320, 0321, 0322 & 0323

FOR: AMERICAN ADVANCED TECHNICIANS INSTITUTE CORP.

ORDER NO.: 120407

DATE: April 27, 2012



SCALE: 1" = 160'

The Zoning Specialists Group, Inc.

7900 NW 155th Street, Suite 104
Miami Lakes FL 33016
Ph: (305)828-1210

www.thezoningspecialistsgroup.com

I HEREBY CERTIFY: That all the properties shown herein are lying within a 500-foot radius from all boundary lines of the subject property. I further certify that this radius map is true and correct to the best of my knowledge and belief.

BY: *Jose F. Lopez*
JOSE F. LOPEZ, P.S.M.
Professional Surveyor & Mapper
No. 3006, State of Florida.

NOTE:
NOT VALID UNLESS SEALED WITH
THE MAPPING PROFESSIONAL'S SEAL

